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United States District Court

District of Minnesota

300 So. 4th Street - Minneapolis MN 55415

Peter Szanto, an individual, Plaintiff, **vs.** John Q. Mc Shane, an individual, a state actor, Judge of the Hennepin County, Minnesota District Court, Defendant	**USDC #** _______ Civil Action for Deprivation of Rights **42 U.S.C.A. § 1983** **Trial Judge** ________

1. Plaintiff Peter Szanto is an individual, over 18 years of age and a citizen of California.
2. John Q. Mc Shane is an individual, over 18 years of age and a citizen of Minnesota. Mc Shane is a duly elected Judge of the Hennepin County, Minnesota District Court. Mc Shane is a state actor who intentionally and negligently in his capacity as a Judge caused deprivation of Szanto's civil rights by exercise of the privilege of judicial authority. Said authority being created by the state of Minnesota.
3. On February 29, 2008 Szanto began an action in Hennepin County, Minnesota District against, among others, Target Corporation.

4. That case, civil action 27-cv-08-5779, was assigned to Mc Shane in his capacity as a judge of the Minnesota District Court.
5. Mc Shane did not reveal campaign contributions he had received from Target for his re-election in 2006.
6. Target, after being duly and properly served, answered the complaint on March 17, 2008.
7. Target was, and is, represented by the law firm of Bowman and Brooke.
8. Mc Shane was the founding partner of that law firm Bowman and Brooke, but never disclosed this fact to the parties in the case.
9. Sometime in, or about, August 2008, plaintiff read a case opinion which revealed Mc Shane's **very close relationship** with Bowman and Brooke. Upon further inquiry, Szanto realized, and came to understand, that the close relationship between Mc Shane and the attorneys at Bowman and Brooke was on-going and continuing.
10. Szanto made motion to Mc Shane to recuse himself on the basis of that obvious appearance of partiality in favor of defendant Target. Other of Mc Shane's acts of blatant bias. hatred and prejudiced towards Szanto were also addressed in the recusal motion. Mc Shane denied that motion without comment on the issues.
11. Mc Shane's failure to withdraw, was among others, a depravation of Minnesota Code of Judicial Conduct, Canon 3 mandating judicial impartiality.
12. Likewise, Mc Shane's bias and partiality are violative of Minnesota Constitution Article 1 Section 8: "Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may

receive to his person, property or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws."

13. Other aspects of Mc Shane's prejudice and hatred towards Szanto have included, but are not limited to:
    a. allowing, over Szanto's objection, and relying on unnotarized affidavits to make determinations in this case.
    b. failing to allow further evidence about defendants' extensive contacts with Minnesota even though a $3,000,000.oo contract with a Minnesota's largest bank was put into evidence.
    c. denying Szanto's application to proceed *in forma pauperis* even though Szanto was fully compliant with MSA 563.01. That statute is non-discretionary and Mc Shane's denial was an abuse of judicial discretion.
    d. because Szanto wore a yarmulke to an appearance before Mc Shane, Mc Shane became aware that Szanto is a jew. Subsequently, Mc Shane intentionally scheduled a hearing on yom kippur, the Jewish faith's holiest day.
    e. the attorneys at Bowman and Brooke submitted the affidavit of a non-existent person, who affirmed under oath that he was "corporate counsel" for Target. Mc Shane based a decision unfavorable to Szanto on that affidavit. Subsequently the affiant's non-existent was discovered, because there was no record with any Minnesota attorney licensing authority. This subornation of perjury by the attorneys at Bowman and Brooke has resulted in neither punishment nor

referral to the district attorney by Mc Shane. Likewise, Mc Shane's decision based on that false affidavit by a non-existent person has not been corrected. Mc Shane's acquiescence to this subornation of perjury is itself a subornation of perjury and is a criminal act in office.

f. One of the defendants in Szanto's case before Mc Shane is a resident of Texas. That defendant was dully served and answered. That defendant is also represented by Bowman and Brooke. Subsequently that defendant, through Bowman and Brooke, made motion to be dismissed from the case for lack of service. Both Minnesota and Texas law mandate that an answering defendant has waived further requirements of service. Nevertheless, Mc Shane dismissed that defendant with prejudice from the case.

g. Szanto has pursued his case in *propria persona*. The various dismissals Mc Shane has ordered have been with prejudice. A reasonable judge, seeking to obtain substantial justice between the parties, would have tempered his determinations so that a *pro se* litigant could make amendments or otherwise revise his pleadings so as to obtain the benefits of law. Dismissal without prejudice was never considered by Mc Shane, pending Szanto's amendment. Szanto's applications for permission to file reconsideration were denied by Mc Shane. In sum, the judicial discretion available to Mc Shane has been abused by callous disregard for potential correction of the pleadings.

h. When Szanto discovered defendants' perjury in their declarations, Szanto sought leave of court to order the defendants to appear in court and to make those statements in a forum where their testimony could be examined. Mc Shane summarily denied that motion.

i. When Szanto objected, for the record, Szanto said that not allowing confrontation of lying defendants put him 'behind the 8 ball' in his ability properly to present admissible evidence. Mc Shane, in open court, mocked Szanto for that use of well accepted vernacular properly to describe being put into a disadvantageous position.

j. Mc Shane has had numerous ex-parte communications with defendants. These communications only came to light when Mc Shane issued ex-parte orders based on those clandestine communications.

k. Some of Mc Shane's orders relied on Minnesota statutes which proved to be non-existent.

l. Szanto reserves right further to expand these allegations.

14. These acts, and others, by Mc Shane coalesce into massive procedural and substantive due process deprivations against Szanto.

15. These various aspects of Mc Shane's failure to follow the law rise in egregiousness to far more than mere judicial discretion or basis upon which reasonable minds could disagree. Mc Shane's acts

have been blatant depravations of both substantive and procedural due process to which Szanto is other wise entitled. Specifically, Mc Shane has robbed and deprived Szanto of his protections and rights under United States Constitution Amendment 14.

Specifically:

> "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Here, Mc Shane has intentionally, and / or negligently, denied Szanto the equal protection of laws by:

1) consistently ruling in favor of Minnesota defendants without any basis or justification under Minnesota law, (while at the same denying Szanto the protections of Minnesota law)

2) Mc Shane has ruled in favor of defendants represented by the law firm he founded irrespective of their subornation of perjury (plaintiff makes additional allegation that Mc Shane's knowing participation in that subornation of perjury

by various of defendants and their counsel was itself judicial subornation of perjury. Subornation of perjury is criminal conduct. A judicial officer vacates his right of office by such conduct and plaintiff cannot be denied his right to redress of grievances because a judicial officer has become unavailable incompetent further to participate in the action pending before him.

16. Mc Shane's motivation to punish Szanto sole and exclusively because Szanto is a jew, by way of adverse decisions not based on law, and not protected by judicial discretion, deny and deprive Szanto of the equal protection of the laws as guaranteed by both the United States and Minnesota Constitutions.

17. Thereon, Szanto prays relief by the setting aside of adverse decisions made by Mc Shane against him.

18. Szanto also seeks damages for intentional and negligent infliction of emotional distress which have caused Szanto harm in the amount of $900,000.oo.

19. Trial by jury in this action is requested.

January 7. 2009 _/s/ _electronically_______ Peter Szanto